



Cascade County Zoning Change Application

Cascade County Public Works Department
Planning Division
121 4th St No, STE 2H/I, Great Falls MT 59401
Phone: 406-454-6905 Fax: 406-454-6919

\$750.00 Non Refundable Application Fee

Payment: Check (#) _____ Cash _____

FOR OFFICE USE ONLY

Date Application Received: _____ File No: _____

Planning Board Hearing Date: _____ Action: _____

County Commission Hearing Date: _____ Action: _____

Applicant/Agent: _____ **Mailing Address:** _____

Home Phone: _____ Work Phone: _____ **Cell Phone:** _____

Owner(s) if different from applicant: _____ **Mailing Address:** _____

Home Phone: _____ Work Phone: _____ **Cell Phone:** _____

Property Address: _____ Sec _____ T _____ R _____

Lot(s) _____ Blk _____ **Geo Code:** _____ **Parcel #** _____

Current Zoning Designation: _____ **Current Use:** _____

Proposed Zoning Designation: _____ **Proposed Use:** _____

Covenants or Deed Restrictions on Property? **If yes, attach a copy.** Yes _____ No _____

Required Attachments:

1. 3 copies initially of Application Packet, plus one electronic version. Fourteen (14) copies of application packet (with any corrections, if applicable) required once packet is deemed complete by the Planning Staff.
2. Statement addressing all Criteria and Guidelines for Zoning Regulations as discussed in Section 1 of the Cascade County Zoning Regulations on attached handout.
3. Materials listed in Section 14.1.1 application requirements of the Cascade County Zoning Regulations
4. Any additional materials requested by Planning Staff during a pre-app meeting or relevant to a rezone

I hereby certify that the information on and attached to this application is true and correct. I understand the fees for this application are not refundable.

Applicant's Signature: _____

Date: _____

SECTION 1. PURPOSE

These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns and the existing zoning districts of Flood Road. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

- 1.1** To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
- 1.2** To ensure proper living and working conditions and to prevent the development of blight and slums;
- 1.3** To establish adequate standards for the provision of light, air, and open spaces;
- 1.4** To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;
- 1.5** To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;
- 1.6** To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;
- 1.7** To avoid the inappropriate development of lands and provide for reduction of flood damage;
- 1.8** To fix reasonable zoning standards to which buildings and structures shall conform;
- 1.9** To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;
- 1.10** To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;
- 1.11** To isolate or control the location of unavoidable nuisance producing uses;
- 1.12** To define the powers and duties of the administrative and enforcement officers and bodies; and
- 1.13** To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto

The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

- (1)** Zoning regulations must be:
- (a)** Made in accordance with the growth policy (or a master plan, as provided for in 76-2-201(1) and (2)); and
 - (b)** Designed to:
 - (i)** Secure safety from fire and other dangers;
 - (ii)** Promote public health, public safety, and general welfare; and
 - (iii)** Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2)** Zoning regulations must be made with reasonable provision of adequate light and air, the effect on motorized and non-motorized transportation systems, compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities, the character of the district and its peculiar suitability for particular uses and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
- (3)** Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

SECTION 14: PROCEDURES FOR AMENDMENT (Cascade County Zoning Regulations, December 2012)

14.1 Application

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Division for study and recommendation.

14.1.1 Application Requirements

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the rezoning petition process.

The application for a rezoning petition must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the rezoning:

1. A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.
2. A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
3. A legal description of the boundaries of the proposed district.

4. A lot layout plan may be required indicating some or all of the following.
 - a. Identify any covenants, liens, easements or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the Office of the County Clerk and Recorder or County Planning Office).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a site plan, indicate the dimensions of the property under consideration, the size and placement of existing structures, parking areas and landscaping areas.
 - f. On a site plan, indicate the location of existing curb cuts or access points.
 - g. On a site plan indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application.
5. Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.
6. Prepare a statement which addresses the criteria and guidelines for zoning regulations as cited on page 3.
7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars (\$750.00).

14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district;

14.3.1.2 The general character of the proposed zoning regulations;

14.3.1.3 The time and place of the public hearing;

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the Office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

- 14.4.1** After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and addressed.
- 14.4.2** The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.
- 14.4.3** The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:
- 14.4.3.1** The boundaries of the proposed district;
 - 14.4.3.2** The general character of the proposed zoning regulations;
 - 14.4.3.3** That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and
 - 14.4.3.4** That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.
- 14.4.4** Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title 15, Chapter 44, Part 1, have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.